



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130-2751

Dear Governor Ivey:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

In the Spring Regulatory Agenda, the EPA announced plans for the first comprehensive revision to the existing section 404(g) regulations since 1988. The EPA intends to modernize these regulations and foster a greater interest by the authorized tribes and states in assuming this authority. The EPA would appreciate the opportunity to discuss these potential regulatory improvements with representatives from your state through early, pre-proposal intergovernmental involvement in the rule revision process this fall. The EPA will follow up with staff from your relevant agencies on further details regarding the planned input sessions. If you have any questions please contact me; for questions regarding meetings this fall, your staff may contact Becky Cook-Shyovitz at Cook-Shyovitz.Becky@epa.gov or 202-564-5340, and for specific questions about the 404 program assumption or the proposed rulemaking, please contact Michael McDavit at McDavit.Michael@epa.gov or 202-566-2465.

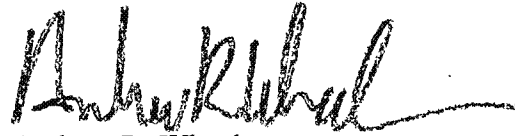
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EPA staff in the Office of Water and the Regional offices are available to provide advice and assistance on this important program. The EPA is committed to enhancing the role of authorized tribes and states to administer the nation's environmental laws. The EPA looks forward to working with the states, as co-regulators under the Clean Water Act, to seize this opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Bill Walker
Governor of Alaska
State Capitol
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Walker:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Lolo Matalasi Moliga
Governor of American Samoa
Executive Office Building
Third Floor
Utulei, Pago Pago, American Samoa 96799

Dear Governor Moliga:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Doug Ducey
Governor of Arizona
State Capitol
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Ducey:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol
Room 250
Little Rock, Arkansas 72201

Dear Governor Hutchinson:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Edmund Brown
Governor of California
State Capitol
Sacramento, California 95814

Dear Governor Brown:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable John Hickenlooper
Governor of Colorado
136 State Capitol
Denver, Colorado 80203-1792

Dear Governor Hickenlooper:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

Dear Governor Malloy:

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware 19901

Dear Governor Carney:

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Rick Scott
Governor of Florida
PL 05 The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

Dear Governor Scott:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Nathan Deal
Governor of Georgia
203 State Capitol
Atlanta, Georgia 30334

Dear Governor Deal:

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Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Eddie Calvo
Governor of Guam
Executive Chamber
P.O. Box 2950
Agana, Guam 96932

Dear Governor Calvo:

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WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable David Ige
Governor of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Ige:

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EPA staff in the Office of Water and the Regional offices are available to provide advice and assistance on this important program. The EPA is committed to enhancing the role of authorized tribes and states to administer the nation's environmental laws. The EPA looks forward to working with the states, as co-regulators under the Clean Water Act, to seize this opportunity.

Sincerely,

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable C.L. "Butch" Otter
Governor of Idaho
700 West Jefferson
Second Floor
Boise, Idaho 83702

Dear Governor Otter:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Bruce Rauner
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706

Dear Governor Rauner:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Eric Holcomb
Governor of Indiana
State House
Room 206
Indianapolis, Indiana 46204-2797

Dear Governor Holcomb:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
Des Moines, Iowa 50319-0001

Dear Governor Reynolds:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Jeff Colyer
Governor of Kansas
Capitol
300 SW 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

Dear Governor Colyer:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue
Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable John Bel Edwards
Governor of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Edwards:

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Paul LePage
Governor of Maine
#1 State House Station
Augusta, Maine 04333

Dear Governor LePage:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Larry Hogan
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Charlie Baker
Governor of Massachusetts
State House
Office of the Governor, Room 360
Boston, Massachusetts 02133

Dear Governor Baker:

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, Minnesota 55155

Dear Governor Dayton:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Phil Bryant
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

Dear Governor Bryant:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Sincerely,

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Mike Parson
Governor of Missouri
Capitol Building
Room 218, P.O. Box 720
Jefferson City, Missouri 65102

Dear Governor Greitens:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Steve Bullock
Governor of Montana
State Capitol
Helena, Montana 59620-0801

Dear Governor Bullock:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Ricketts:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Brian Sandoval
Governor of Nevada
Capitol Building
Carson City, Nevada 89701

Dear Governor Sandoval:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
25 Capitol Street, Room 212
Concord, New Hampshire 03301

Dear Governor Sununu:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Susana Martinez
Governor of New Mexico
State Capitol
Fourth Floor
Santa Fe, New Mexico 87501

Dear Governor Martinez:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

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Andrew R. Wheeler
Acting Administrator

2
Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Roy Cooper
Governor of North Carolina
Office of the Governor
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

Dear Governor Cooper:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Doug Burgum
Governor of North Dakota
Department 101
600 E. Boulevard Avenue
Bismarck, North Dakota 58505-0001

Dear Governor Burgum:

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Ralph Deleon Guerrero Torres
Governor of the Northern Mariana Islands
Caller Box 10007
Saipan, MP 96950

Dear Governor Torres:

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable John Kasich
Governor of Ohio
30th Floor
77 South High Street
Columbus, Ohio 43215

Dear Governor Kasich:

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building
2300 Lincoln Blvd., Rm. 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Kate Brown
Governor of Oregon
State Capitol, Room 160
900 Court St. N.
Salem, Oregon 97301

Dear Governor Brown:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Tom Wolf
Governor of Pennsylvania
Room 225
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Governor Wolf:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Ricardo Rosselló
Governor of Puerto Rico
La Fortaleza
P.O. Box 9020082
San Juan, Puerto Rico 00902-0082

Dear Governor Rosselló:

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island 02903

Dear Governor Raimondo:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Henry McMaster
Governor of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Governor McMaster:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Dennis Daugaard
Governor of South Dakota
500 East Capitol Street
Pierre, South Dakota 57501

Dear Governor Daugaard:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, Tennessee 37243-0001

Dear Governor Haslam:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Greg Abbott
Governor of Texas
P.O. Box 12428
Austin, Texas 78711

Dear Governor Abbott:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Gary R. Herbert
Governor of Utah
Utah State Capitol
Suite 200
Salt Lake City, Utah 84114

Dear Governor Herbert:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 05609

Dear Governor Scott:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Kenneth Mapp
Governor of Virgin Islands
Government House, 21-22 Kongens Gade
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Dear Governor Mapp:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Ralph Northam
Governor of Virginia
State Capitol
Third Floor
Richmond, Virginia 23219

Dear Governor Northam:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

In the Spring Regulatory Agenda, the EPA announced plans for the first comprehensive revision to the existing section 404(g) regulations since 1988. The EPA intends to modernize these regulations and foster a greater interest by the authorized tribes and states in assuming this authority. The EPA would appreciate the opportunity to discuss these potential regulatory improvements with representatives from your state through early, pre-proposal intergovernmental involvement in the rule revision process this fall. The EPA will follow up with staff from your relevant agencies on further details regarding the planned input sessions. If you have any questions please contact me; for questions regarding meetings this fall, your staff may contact Becky Cook-Shyovitz at Cook-Shyovitz.Becky@epa.gov or 202-564-5340, and for specific questions about the 404 program assumption or the proposed rulemaking, please contact Michael McDavit at McDavit.Michael@epa.gov or 202-566-2465.

In addition to the rulemaking effort by the EPA, the Department of the Army recently issued a memorandum to the U.S. Army Corps of Engineers (Corps) that clarifies the program's approach to identifying waters that the Corps would retain should a state assume section 404 permitting authority. This guidance is consistent with the recommendations provided in a June 2017 Federal Advisory Act Committee report on assumable waters to the EPA Administrator. The EPA stands ready to assist your state if you are interested in assuming section 404 authority. Enclosed, please find a summary of the key steps a state would take to assume section 404 authority.

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Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Jay Inslee
Governor of Washington
Office of the Governor
P.O. Box 40002
Olympia, Washington 98504-0002

Dear Governor Inslee:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

Dear Governor Justice:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

Dear Governor Walker:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Matthew H. Mead
Governor of Wyoming
State Capitol Building
Room 124
Cheyenne, Wyoming 82002

Dear Governor Mead:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

September 20, 2018

The Honorable Muriel Bowser
Mayor of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, District of Columbia 20004

Dear Mayor Bowser:

The Clean Water Act affirms the role of states and authorized tribes to manage their water resources and explicitly provides an option for states and authorized tribes to assume responsibility for the dredged or fill permitting program pursuant to section 404(g). I am writing to make you aware of two important actions the Department of the Army and the U.S. Environmental Protection Agency (EPA) have taken regarding tribal and state assumption of the Clean Water Act section 404 program authority.

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